

REMARKS

The Notification of Missing Requirements Under 35 U.S.C. §371 In the United States Designated/Elected Office (DO/EO/US) required the submission of the sequence listing, an executed declaration, corrected figures and the surcharge for late filing of the declaration. In response, Applicants hereby submit the executed declaration, assignment, and computer readable copies of the Sequence Listing. Therefore, a check is also enclosed in the amount of \$170.00 which includes the fee for late filing of the declaration by a large entity (\$130) and the fee for the recordation of the assignment document (\$40).

Attached hereto is a true copy of a Declaration for Patent Application and Power of Attorney executed by the inventors **Gerhard HOEFLE on June 20, 2005, Rolf MUELLER on June 20, 2005, Florenz SASSE on June 14, 2005, Axel SANDMANN on June 21, 2005, and Helmut BLOECKER on June 20, 2005.** In accordance with appointment paragraph in the Declaration for Patent Application and Power of Attorney, the filing date and the Serial Number of the application was inserted in the space provided on the Declaration to comply with the identification requirement of 37 C.F.R. §1.63.

Applicants respectfully request acceptance of the enclosed computer readable copy of the Sequence Listing.

It is respectfully asserted that this application now fully complies with the requirements for applications containing sequence listings as set forth in 37 C.F.R. §1.821 to §1.825. The Statements required by 37 C.F.R. §1.821(f) and (g) are set forth below.


The undersigned hereby states that this submission, filed in accordance with 37 C.F.R. §1.821(g), does not contain new matter. Pursuant to 37 C.F.R. §1.821(f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same. Furthermore, the instant sequence listing is identical to that which was filed as International Application No. PCT/EP2003/009780, filed on September 3, 2003, and published as WO04/022586.

CONCLUSION

In view of the amendments, remarks, and enclosures herein, it is respectfully submitted that the application now complies with all requirements set forth in the Notice; including the requirements for computer readable disclosure of the biological sequences. Accordingly, reconsideration and withdrawal of the Notice to File Missing Requirements is earnestly solicited.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320, Order No. 930008-2197.

Respectfully submitted,
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